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THE ECONOMIC ZONE

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THE ECONOMIC ZONE

General provisions

Article 1

1. The coastal State has in an area beyond and adjacent to its territorial sea, known as the exclusive economic zone:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether renewable or non-renewable, of the seabed and subsoil and the superjacent waters;

(b) Jurisdiction with regard to other activities for the economic exploration and exploitation of the zone, such as the production of energy from the water, currents and winds.

(c) Jurisdiction as provided for in this Convention with regard to:

(i) the preservation of the marine environment,

(ii) scientific research,

(iii) the establishment and use of artificial islands, installations and similar structures, including customs, fiscal, health and immigration regulations pertaining thereto.*

(d) Other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article shall be without prejudice to the provisions of articles of this Convention.**

*/ The issue of contiguous zones for the purpose of customs, fiscal, health and immigration regulations would be dealt with elsewhere.

**/ The basic articles concerning the Continental Shelf.

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Article 2

The economic zone shall not extend beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Article 3

1. All States, whether coastal or land-locked, shall, subject to the relevant provisions of this Convention, enjoy in the economic zone the freedoms of navigation and overflight and of the laying of submarine cables and pipelines and other internationally lawful uses of the sea related to navigation and communication and shall have other rights and duties provided for in this Convention.*
2. In cases where the Convention does not attribute rights or jurisdiction to the coastal State or to other States within the economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.
3. In exercising their rights and performing their duties under this Convention in the economic zone, States shall have due regard to the rights and duties of the coastal State and shall act in a manner compatible with the provisions of this Convention.

*/ The question of rights and duties of other States with respect to scientific research, laying and maintenance of submarine cables and pipelines and preservation of the marine environment will be dealt with in subsequent chapters.

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Article 4

1. The coastal State shall have the exclusive right to construct and to authorize and regulate in the economic zone the construction, operation and use of:

- (a) artificial islands;
- (b) installations and structures used for purposes subject to its jurisdiction under art. 1;
- (c) installations and structures used for any economic purpose;
- (d) installations and structures which may interfere with the exercise of the rights of the coastal State in the economic zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures including jurisdiction with regard to customs, fiscal, health, safety and immigration regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused must be entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of the artificial islands, installations and structures and of navigation.

The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of meters around them measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the appropriate international organizations.

Ships of all nationalities must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installation, structures, and safety zones. Due notice shall be given of the extent of safety zones.

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5. Artificial islands, installations and structures and safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.
6. Artificial islands, installations and structures shall have no territorial sea of their own and their presence does not affect the delimitation of the territorial sea, or of other zones of coastal state jurisdiction or of the continental shelf.

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LIVING RESOURCES

Article 5

1. In the exercise of its sovereign rights over the living resources in the economic zone the coastal State shall ensure by proper management and conservation measures that the maintenance of these resources is not endangered by over-exploitation. It shall co-operate as appropriate with regional and global organizations to this end. States participating in such organizations shall ensure to the extent possible that the organization concerned extends its co-operation to the coastal State in management and conservation matters.
2. In the exercise of its right to determine the allowable catch and establish other conservation measures for the living resources of the zone, the coastal State shall:
 - (a) adopt measures which are designed, on the best evidence available to the coastal State, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing countries, and taking into account fishing patterns, the interdependence of stocks as well as any generally recommended regional or global minimum standards.
 - (b) take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
3. Available scientific information, catch and fishing efforts statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through regional and global organizations where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the economic zone.

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Article 6

1. In the exercise of its sovereign rights to explore and exploit, conserve and manage the renewable resources in the economic zone as provided for in article 1 the coastal State shall promote the objective of optimum utilization of these resources without prejudice to the provisions of article 5.
2. The coastal State shall, through agreements or other arrangements and pursuant to the terms, conditions and regulations referred to in paragraph 4, give other States access to that part of the allowable catch which it does not have the capacity to harvest. The determination of the capacity of the coastal State in this respect shall rest with the coastal State.
3. In granting access to other States to its economic zone under this article, the coastal State shall take into account all relevant factors including, inter alia, the significance of the renewable resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 8, 9 and 10, the requirements of developing countries in the region or sub-region in harvesting part of the surplus and the need to minimize economic dislocation in States which have habitually fished in the zone or have made substantial efforts in research and identification of stocks.
4. Fishing by nationals of other States in the economic zone shall comply with the conservation measures and with the other terms and conditions established in the regulations of the coastal State. These regulations shall be consistent with the provisions of this Convention and may relate, inter alia, to the following:
 - (a) Licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration; developing States in particular may require adequate compensation in the field of fishing industry financing, equipment and fisheries technology;
 - (b) Determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or complexes of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
 - (c) Regulating times and areas of fishing, the types, sizes and amount of gear, and the numbers, sizes and types of fishing vessels that may be used;
 - (d) Fixing the age and size of fish and other species that may be caught;
 - (e) Specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;

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(f) Requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;

(g) The placing of observers, trainees or crew members on board such vessels by the coastal State;

(h) The landing of all or any part of the catch by such vessels in the ports of the coastal State;

(i) Terms and conditions relating to joint ventures or other co-operative arrangements;

(j) Requirements for training personnel and transfer of fisheries technology including enhancement of the coastal State's capability for undertaking fisheries research;

(k) Enforcement procedures.

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Article 7

1. States shall co-operate, without prejudice to the provisions of articles 5 and 6, in seeking to elaborate standards and guidelines for conservation and rational utilization of the living resources in the economic zone, directly or within the framework of appropriate international fisheries organization, whether universal or regional.
2. Where the same stock or stocks of associated species occur within the economic zones of two or more coastal States, these States shall seek either directly or through appropriate regional or sub-regional organizations to agree upon the measures necessary to co-ordinate and ensure the conservation and equitable allocation of such stocks without prejudice to the other provisions of this Chapter.
3. Where the same stock or stocks of associated species occur both within the economic zone and in an area beyond and adjacent to the economic zone, the coastal State and States fishing for such stocks in the adjacent area shall seek either directly or through appropriate regional or sub-regional organizations to agree upon the measures necessary for the conservation of these stocks in the adjacent area.
4. Coastal States shall give timely notice of conservation and management regulations.

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Article 8

1. Nothing in this Convention shall prejudice the right of the coastal State to permit nationals of other States to fish in its economic zone.
2. Neighbouring States may through agreements or other arrangements, and pursuant to coastal State regulations, allow each other's nationals to fish in their respective economic zones on the basis of equitable principles and taking into account all relevant economic and geographic circumstances.
3. The provisions of this Article are without prejudice to the provisions of Articles 5 and 6.

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Article 9

1. Coastal States shall where appropriate negotiate with adjoining geographically disadvantaged States on a regional, sub-regional or bilateral level, concerning the question of access to the living resources of the economic zone or specified areas of the zone. Such negotiations shall be based on equitable principles and shall take into account all relevant economic and geographic circumstances including the level of economic development of the geographically disadvantaged State concerned, and the need to avoid effects which would be detrimental to the fishing communities of the coastal State or its fishing industry.
2. In cases where geographical peculiarities of a region or a sub-region make a developing State particularly dependent for the satisfaction of the nutritional needs of its population upon participation in the exploitation of the living resources of the economic zone of other States, the coastal States concerned shall negotiate with such State with a view to granting preferential rights as appropriate.

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Article 10

1. Land-locked States shall have access to participate in the exploitation of the living resources of the economic zones or specified areas of the zone of adjoining coastal States on an equitable basis taking into account all relevant economic and geographic circumstances. Bilateral, sub-regional or regional agreements concerning the modalities of participation shall be negotiated.
2. The provision of paragraph 1 shall be without prejudice to arrangements agreed upon in regions where, due to particular circumstances, coastal States are prepared to grant to land-locked States of the region equal or preferential rights for the exploitation of the living resources in the economic zones.

Article 11

Rights to exploit the living resources granted under the provisions of articles 8, 9 and 10 cannot without the consent of the coastal State be transferred to third States or their nationals by lease or licence, by establishing joint collaboration ventures or by any other arrangement.

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Article 12

1. In the exercise of its sovereign rights over the living resources in the economic zone, the coastal State shall regulate fishing for highly migratory species listed in Annex A, in accordance with this and other relevant articles of this chapter.
2. The coastal State shall co-operate directly and through appropriate international organizations, with other States whose nationals fish highly migratory species in the region, with a view to ensuring conservation and optimum utilization of such species. In regions where no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region, shall establish such organization and shall participate in its work.
3. On the basis of best scientific evidence available and other relevant information, the organization shall formulate standards with respect to highly migratory species that will ensure, throughout the region, both within and beyond the economic zone, conservation and optimum utilization. To this end the organizations concerned shall formulate standards or recommendations with regard to, inter alia, allowable catch, equitable allocation, issuance of permits, a uniform system of fees and penalties.
4. In formulating such standards or recommendations the organization shall take into account all relevant circumstances including, inter alia, the effects on related or dependent species, the requirements of coastal States vessels which fish only within their respective zones, the harvesting capacity of coastal States of the region, the need to minimize economic dislocation and other relevant management and conservation criteria contained in articles 5 and 6.
5. The adoption of standards and recommendations by the organization shall require, in the absence of agreement, a two-thirds majority, including the votes of all coastal States of the region present and voting.
6. To achieve uniformity and effective conservation throughout the region, the States concerned shall ensure that their laws and regulations are in conformity with the standards formulated by the organization, and take into account its recommendations with regard to allocation, permits, fees and penalties.
7. Within the economic zone, the coastal State shall adopt effective measures to ensure compliance by all vessels with the applicable standards and regulations, in accordance with article 15.
8. Nothing in this Convention shall restrict the right of a coastal State or international organization, as appropriate, to prohibit, regulate and limit the exploitation of marine mammals. States shall co-operate either directly or through appropriate international organizations with a view to the protection and management of marine mammals.

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Article 13

1. States have the primary interest in and responsibility for anadromous stocks originating in their rivers.
2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters within the outer limits of its economic zone and for fishing provided for in paragraph 3 (b). The State of origin may, after consultation with other States fishing these stocks, establish total allowable catches for stocks originating in its rivers.
3. (a) Fisheries for anadromous stocks shall be conducted only in the waters within the outer limits of economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin.
(b) The State of origin shall co-operate in minimizing economic dislocation in such other States fishing these resources, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred.
(c) States referred to in sub-paragraph (b), participating by agreement with a State of origin in measures to renew an anadromous stock, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvest of stocks originating in its rivers.
(d) Enforcement of regulations regarding anadromous stocks beyond the economic zone shall be by agreement between the State of origin and the other States concerned.
4. In cases where anadromous stocks migrate into or through the waters within the outer limit of the economic zone of a State other than the State of origin, such State shall co-operate with the State of origin with regard to the conservation and management of such stocks.
5. The State of origin of anadromous stocks and other States fishing these stocks, shall make arrangements for the implementation of the provisions of this Article, where appropriate, through regional organizations.

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Article 14

1. A State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.
2. Harvesting of catadromous species shall be conducted only in waters in respect of which the State mentioned in paragraph 1 exercises sovereign rights over the living resources and, when conducted in the economic zone, shall be subject to the provisions of this Convention concerning fishing in the zone.
3. When catadromous fish migrate through the waters of another State or States, whether as juvenile or maturing fish, the management of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the State or States concerned. Such agreement shall ensure the rational management of the species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species.

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Article 15

The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with its laws and regulations in accordance with the provisions of this Convention.

Arrested vessels and their crew shall be promptly released upon the posting of reasonable bond or other security.

Coastal State penalties for violations of fisheries regulations in the economic zone may not include imprisonment, in the absence of agreement to the contrary by the States concerned, or any other form of corporal punishment.

In cases of arrest or detention of foreign vessels the coastal State shall promptly inform through diplomatic or similar channels the State of registry of the action taken and of any penalties subsequently imposed.

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ANNEX A
HIGHLY MIGRATORY SPECIES^{*/}

1. Albacore Tuna
2. Bluefin Tunas
3. Bugeye Tuna
4. Skipjack Tunas
5. Yellowfin Tuna
6. Blackfin Tuna
7. Little Tuna
8. Frigate Mackerels
9. Pomfrets
10. Marlin
11. Sailfishes
12. Swordfish
13. Sauries
14. Dolphin (fish)
15. Oceanic Sharks
16. Cetaceans (whales and porpoises)

^{*/} The common names cited in this Annex are found in the Food and Agriculture Organization Yearbook of Fishery Statistics. The content of the Annex may be reconsidered in the light of advice from FAO now being sought.